



MEMORANDUM

DATE: November 6, 2012

TO: Alan Rathbun, Licensing Director

FROM: Sharon Foster, Board Chair *af*
Ruthann Kurose, Board Member *RT*
Chris Marr, Board Member *CM*

CC: Pat Kohler, Administrative Director

SUBJECT: Threshold Decision Delegation to the Licensing Division

In addition to WAC 314-07-121, we presently have three delegations of authority in effect to the Licensing Division: Delegations of Authority for Exception Requests of SBW Restaurant License Requirements dated March 4, 2009; Delegation of Authority for Local Government Restriction Requests on Nightclub License Requirements dated March 17, 2010; Board Delegation of Authority to Make Initial Threshold Determinations (WAC 314-07-121) dated May 9, 2012.

The memorandums for delegation of authority to Licensing listed above are hereby rescinded. A comprehensive threshold delegation to the Licensing Division is provided below and effective immediately. It specifically addresses workloads for the Licensing Director and the Compliance and Policy Manager

In addition to objections from local authorities, the Director will make the threshold decision on any file that has or appears to generate media attention, legislator involvement or significant controversy such as community objections. The Director and the Compliance and Policy Manager will make this decision jointly.

This document includes specific delegated authority. If not listed, then the threshold decision goes to the Board.

The Board retains decision-making responsibility related to issuance of retail off-premises liquor licenses located within the exterior boundaries of any Indian reservation located in the State of Washington. This applies to those licensees located in incorporated and unincorporated areas within those reservation boundaries.

Threshold decisions, with a statement of intent issued by Licensing, are not final until the Board has issued a final order.

LICENSING AND REGULATION DIVISION DIRECTOR:

License Applications:

Local authority objection (may be in combination with other objections)
Objection or protest from Community Group
Trade Area determinations

Non-Renewal of a license (Problem Renewal)

The local authority can only initiate proposed non-renewal of a current license.

Common local authority reasons for objection –

Chronic illegal activity
Frequent police calls to premises
Gang activity
Neighborhood complaints such as noise, crowds and traffic/parking issues
Criminal history of licensee
Public safety
City/County Permit issues, taxes owed, fire code violations

License Revocation/Suspension

Failure to pay spirit taxes to DOR for non-tribal licensees
Failure to pay spirit fees to the LCB for non-tribal licensees

**LICENSING AND REGULATION DIVISION COMPLIANCE AND
POLICY MANAGER:**

License Applications:

External (outside applicant source) causes -

School, church or public institution within 500' objection
School, church or public institution outside 500' objection
Citizen objection

Internal (applicant source) causes -

Misrepresentation of Fact
Criminal History (disregard for laws and regulations)
Violation History (disregard for liquor laws and regulations)

Internal (applicant source) causes -
Continued:

- Failure/Refusal to submit documents
- Failure to meet requirements of license applied for
- Questionable or unverified Source of funds
- Area already adequately served
- True Party of Interest not identified/hidden ownership

One or more internal or external cause could result in a determination of:

Not in the best interest of the welfare, health or safety of the people of the state of
Washington

Applications with License Restrictions:

Those reasons that could cause restrictions to be imposed on license:

- Person associated with applicant has problem history, i.e. past violation history with the board, past license cancellation, past denial, criminal history or any other disqualifying or problem issue.
- Nightclub application where the local authority has requested restrictions
- Restrictions to grocery store and beer/wine specialty shops per Chapter 66.24

Regulatory Exceptions (applies to existing license holders)

Where an applicant requests an exception to a WAC requirement, such as:

- Spirits/Beer/Wine Restaurant days/hours of operation requirement
- Beer/Wine Restaurant days/hours of operation requirement
- Spirits/Beer/Wine Restaurant food service requirement
- Beer/Wine Restaurant food service requirement

License Revocation/Suspension

- Criminal conduct on the part of the licensee is discovered
- Licensee fails to provide required documentation for change in ownership structure